4

REMARKS

Applicants have carefully reviewed the Office Action dated July 15, 2002 Applicants have amended Claims 1 and 2 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1 and 2, stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,761,606, *Wolzien*, in view of U.S. Patent No. 5,978,773, *Hudetz et. al.*, and further in view of U.S. Patent No. 6,374,237D1, *Reese*. This rejection is respectfully traversed with respect to the amended claims.

The Examiner has used the *Wolzien* reference for teaching the concept of receiving at a URL location on the network an audio signal from a broadcast generated by an advertiser and which audio signal has embedded therein unique coded information. When this unique coded information is extracted from the audio signal, this information is decoded to extract therefrom the address of an on-line information provider. This is use in establishing a direct digital communication link to the on-line information provider. The Examiner has used the *Hudetz* reference for illustrating the automatic connection thereof. Even with this combination, there is no disclosure in either of these references to suggest or provide any motivation for sending profile information to the remote location once connected thereto. In the *Wolzien* reference, the primary motivation is to provide an address to indicate to the user that more information is available. This requires a user to actually cause the connection to be made. As such, at this time, the advertiser or on-line provider would have the user's attention. In contrast, the *Hudetz* reference provides nothing more than a way to utilize a bar code that is associated with a manufactured item for the purpose of making a "jump" to a location on the web. There is no discussion or motivation in *Hudetz* that in any way associates the user with this operation. The Examiner has alluded to some aspect of the user interface in that he cited language in Column 9, Lines 43-63, as relating to a user requiring a password to be transmitted. However, all this text sets forth is that the database is not publicly accessible and that access to the database could be limited by placing the database on a proprietary network or placing it on an open network with password protection. However, there is no discussion or disclosure as to how a user would effect such access to a database. Applicants

AMENDMENT AND RESPONSE
S/N 09/382,372
Atty. Dkt. No. PHLY-24,738

5

also note that *Hudetz* describes two operations, one manual and one "automatic." The manual operation is the primary disclosed embodiment wherein the user sends a bar code to the intermediate location and an HTML document, a text document, is returned with a list of matching URLs. The user then selects which URL to utilize for connection. In the automatic operation, an HTML document will still be returned to the user's computer and there must be some aspect of the program that provides for interfacing with a location utilizing this HTML text document. In fact, the disclosure indicates that multiple URLs could be sent back and, therefore, the disclosure as to the automatic operation is scant at best and it is arguable as to whether there is sufficient disclosure to support an automatic operation. In any event, there is no disclosure as to how the user would access the database. Further, the use of the password, if such disclosure is enabling, would only be utilized for access and this access will be required "before" the database could be accessed. In fact, Applicants note that most computers would have a user ID in order to access the computer. Claim 1 does not indicate that the database is remote and, as such, access to the computer and to a local database would be inherent with a user ID. However, there is no disclosure that any user ID or any information would be sent out to a remote location. As such, the combination of *Hudetz* and *Wolzien* does not disclose or suggest the use of a user ID in any form for controlling any type of access or content related transmission or reception to or from a remote location. The Examiner has utilized *Reese* to indicate that such combination would be obvious. Applicants traverse this combination as will be described herein below.

With Applicants' present inventive concept, an advertiser could merely transmit a unique code within a broadcast. Users at particular locations on the network, i.e., user locations, could then be "controlled" by the advertiser. This control is effected through the transmission of a unique code which, upon receipt by the user's computer, would cause the user computer to automatically connect to the advertiser location and transmit user profile information thereto. The advertiser desires to have this user profile information in order to determine how to "focus" the advertising information provided back to the user and, also, for the purpose of merely receiving the user profile information. Thus, an advertiser with the mere transmission of a code in a "broadcast," can access a large number of user computers for the express purpose of, first, forcing them to access the advertiser's web site at the advertiser's location and, second, forcing transmission of user profile information to the advertiser's location. The *Wolzien* reference has no control function associated therewith, as it merely provides information in the broadcast

6

for an entirely different purpose. The *Hudetz* reference has neither suggested nor disclosed use with an external advertiser, as it is the user that is seeking information about a particular code, once the user discovers the code. That is a user's selection operation. The distributor of the bar code has no control over the user's computer. The *Reese* reference has no relation to the operation of an advertiser controlling the access of user profile information through a broadcast through a plurality of user computers. All *Reese* does is provide a way for a user to filter access to a server and the returned content. None of these references taken singularly or in combination, in any way provides an advertiser that would desire to control automatic access of a plurality of user computers to a broadcast to be effective nor the combination of controlled and forced access disclose in combination with the provision of the user information in the form of a user profile therewith. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. 103(a) with respect to Claim 1.

With respect to Claim 2, this involves the use of the intermediate location. Although *Hudetz* does illustrate the use of an intermediate location having disposed thereat an associative database, the Examiner's indication that *Hudetz* discloses the transmission of a user ID to the intermediate location is not believe to be supported. The Examiner has referred to Column 7, Line 1 - Column 8, Line 10 as supporting this operation. However, Applicants contend that the original disclosure in this portion of the patent is that with respect to sending a UPC product identification number to the intermediate location. The Examiner sets forth that the disclosure at Column 8, Lines 11-63 also supports the disclosure of a user ID being transmitted to the intermediate location. Again, this disclosure only deals with the transmission of the UPC and no user ID. The Examiner has also noted that , Column 9, Lines 43-53 discloses the use of a user ID that is transmitted to the intermediate location. This particular section is dealing with the controlled access and the automatic jumping. In the controlled access, there is set forth that the system may utilize a proprietary database or a password protected system on an open network which only "prevents" access to authorized persons. This disclosure only indicates that somehow a user has to "first" access the database prior to sending any information thereto. Applicants' Claim 2 sets forth that the extracted unique code and user ID code are transmitted to the intermediate location for the purpose of a "lookup" operation as supposed to an access operation. There is no disclosure to determine how this access is granted. Typically, when a connection to a resource on an open network would require an operation wherein the user would be prompted for their user ID. In any event, any user information in the form of a password can only be for the purpose of access and not for
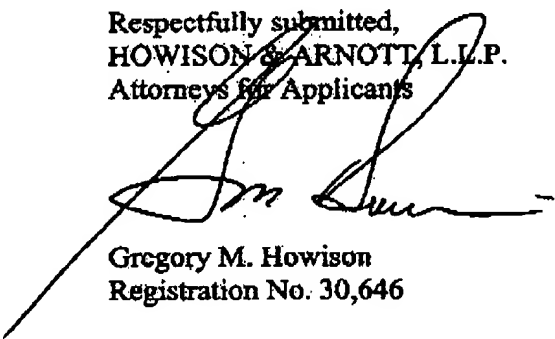
AMENDMENT AND RESPONSE
S/N 09/382,372

7

the purpose of performing a lookup. As such, Applicants believe that any user ID that is transmitted to an intermediate location would be utilized for a lookup and, therefore, there is no motivation or suggestion that such a lookup would be performed for the express purpose of returning user profile information back to the user computer for relay to the advertiser's location. In fact, there is no disclosure whatsoever of any user profile information being stored at the intermediate location in *Hudetz* for the purpose of later transmission to a remote location. The only purpose of *Hudetz* is to retrieve a URL and nothing else. Therefore, Applicants believe that the *Hudetz* reference does not disclose transmission of a user ID to the intermediate location and then performing of a subsequent lookup thereafter for transmission of a packet back to the user's computer at the user location with routing of both information to the advertiser's location and user profile information. In fact, there is no disclosure whatsoever of transmitting user profile information anywhere in *Hudetz*. Therefore, for the reasons described above with respect to Claim 1 and the additional reasons described hereinabove with respect to Claim 2, Applicant respectfully request withdrawal of the 35 U.S.C. 102 rejection with respect to Claim 2.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,738 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicants

Gregory M. Howison
Registration No. 30,646

GMH:yoc
P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
January 15, 2004

AMENDMENT AND RESPONSE
S/N 09/382,372